

FACTS REGARDING RECALLS IN ALASKA

Constitution:

Article XI, Section 8: All elected public officials in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. *Procedures and grounds for recall shall be prescribed by the legislature.*

State Statute:

AS 15.45.470-15.45.720 are the procedures and grounds for recall prescribed by the legislature.

Grounds for Recall:

Lack of fitness*
Incompetence
Neglect of Duties, or
Corruption*

* = Grounds submitted by “Citizens for Ethical Government” group

There have been four instances involving the recall of elected officials in Alaska.

- In 1984, the Bering Strait School District sought declaratory and injunctive relief against the Director of Elections regarding a recall petition filed against certain school board members. (*Meiners v. Bering Strait School District*)
- Application for recall of Governor Walter Hickel and Lt. Governor Jack Coghill was filed with the Director of Elections in 1992. The Director of Elections certified the application despite legal counsel of insufficient grounds. This recall attempt was not completed.
- In 1995, a citizens’ committee brought suit against the Haines Borough and Borough clerk challenging the clerk’s denial of a recall petition of school board members. (*Stauffenberg v. The Committee for an Honest and Ethical School Board*)
- In 2004 a petition for recall of Senator Scott Ogan was certified, but not pursued as Senator Ogan resigned his seat.

FREQUENTLY ASKED QUESTIONS

- 1) What if the Recall Committee disagrees with the Director's decision?

A: Anyone "aggrieved" by the director's determination may request superior court review if requested within 30 days of the Director's decision.

- 2) If the Recall Committee "fixes" the grounds for recall to state the particular reason(s) for recall, can they go forward without having to re-gather signatures?

A: Any re-submission of a recall petition would go through the same legal review process as the initial submission.

- 3) If this or any other committee attempts another recall petition on this senator, when would they have to complete it?

A: Any new recall application would have to be turned in prior to July 20, 2006. (181 days prior to the termination of the term of office – AS 15.45.550)